CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 18, 2007

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 5:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino. Councilmember Zacarías arrived at 5:35 p.m.

PUBLIC COMMENT:
There was none at this time.

RECESS:
Mayor Lavagnino immediately recessed the City Council meeting to a Closed Session at 5:32 p.m. to consider:

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.

Agency representative:	Assistant City Manager
Employee organization:	Service Employees International Union (SEIU), Local 620;
	Santa Maria Police Officers Association (SMPOA);
	Santa Maria Fire Fighters Local 2020;
	Public Safety Managers; and
	Non-represented Management and Confidential Employees

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS pursuant to Subsection (e) of Government Code Section 54957 and CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.

Agency representative:	Mayor
Title:	City Manager and City Attorney

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Subdivision (a) of Section 54956.9 of the Government Code: Baldiviez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1232811

RECONVENE:
Mayor Lavagnino reconvened the regular City Council meeting at 6:30 p.m. with all members present.

CLOSED SESSION REPORT: City Attorney Trujillo gave the Closed Session Report. Council provided direction to its Labor Negotiator regarding negotiations with the Service Employees International Union (SEIU), Local 620; Santa Maria Police Officers Association (SMPOA); Santa Maria Fire Fighters Local 2020; Public Safety Managers; and Non-represented Management and Confidential Employees.

Public Employee Performance Evaluations and Conference with Labor Negotiator: City Manager and City Attorney – Continued to the end of the meeting.

Conference with Legal Counsel – Existing Litigation: Baldiviez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1232811 – Continued to the end of the meeting.

INVOCATION:
Rev. Dennis Russell of the Foster Road Church of Christ gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Zacarías led the pledge of allegiance.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Fire Chief Ortiz, Director of Public Works/City Engineer Whitehead, Police Chief Macagni, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Community Development Lindsey, Director of Administrative Services Snodgrass, Advance Planner Smith, Planner III Scott, Senior Assistant City Attorney Stockton, Police Sergeant Vernon, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS:
Mayor Lavagnino announced that he had received a $5,000 donation from WestStar Associates for the new Library. Additionally, last week, Bob and Darlene Stowasser donated $5,000 for the new Library.

Mayor Lavagnino also thanked Congresswoman Lois Capps for her work in Congress. The City of Santa Maria will receive $280,000 for the Levee initial study, $150,000 for the new Library, and $500,000 for the new Transit Center if President Bush signs the bill.

RESOLUTION COMMENDING RADFORD MAWHINNEY
Mayor Lavagnino read a resolution commending Police Commander Radford Mawhinney for 26 years of outstanding service to the City of Santa Maria and congratulating him on his retirement.

Resolution No. 2007-169 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2007-169 adopted. A RESOLUTION COMMENDING SANTA MARIA POLICE COMMANDER RADFORD MAWHINNEY FOR HIS 26 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Mayor Lavagnino presented the resolution to Rad Mawhinney and thanked him for his many years of service to the City.

Police Chief Macagni commended Commander Mawhinney for his assistance, guidance, and mentoring over the last four and a half years and said it would be a huge loss to the department. He thanked him for being an outstanding police administrator and a great friend.

Commander Mawhinney said he had been privileged to serve this community for over 35 years both as a Deputy Marshall and a Police Officer. He said he was honored to have worked with such great management staff. He thanked his wife, the Council, and the department for their support.

RESOLUTION COMMENDING JACK OWEN, JR.
Councilmember Orach read a resolution commending Fire Battalion Chief Jack Owen, Jr. for 31 years of outstanding service to the City of Santa Maria and congratulating him on his retirement.

Resolution No. 2007-170 was adopted on motion by Mayor Lavagnino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-170 adopted. A RESOLUTION COMMENDING SANTA MARIA BATTALION CHIEF JACK OWEN, JR. FOR HIS 31 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

Councilmember Orach presented the resolution to Jack Owen and thanked him for his many years of service to the City.

Fire Battalion Chief Jack Owen thanked his mother and father; his wife, Denna; his sons, Jack and Brian, and all the grandchildren. He also thanked Chief Crakes for giving him a chance and a start in his career. City Administrator Bob Grogan also helped get him started. He thanked all the members of the Fire Department, everyone in the City family, and all the people he has worked with in the community. He said it has been a privilege to serve the community.

Fire Chief Ortiz stated when he came to work nearly 11 years ago, Jack Owen was the only chief officer the department had. He took the department through some pretty tough times. He has a wealth of history and knowledge. He congratulated Jack and his family for his many years of service.

RECOGNITION OF CONTEST WINNERS
Councilmember Orach, Events Coordinator Gutierrez, and Director of Recreation and Parks Posada presented plaques to the winners of the 2007 Lights, Sights, and Holiday Nights Decorating Contest winners:

Larry & Michelle Iliff, 917 N. Beth Court - Best Residence Award;
Robert Dickerson, 104 Palm Court - Most Nostalgic Award;
Marian Medical Center, S. Palisade Drive - Neighborhood Spirit Award;
Larry Stewart, 330 Scott Drive - Best Use of Craftsmanship Award;
Residents of Scott Drive - Best Street Award;
Optical Concepts, 230 "E" Betteravia, Suite F - Best Business Award; and
Owners of 1041 De Gamma Drive - Most Inspirational Award.

Director Posada announced that Robert Dickerson came to the City and proposed that the City purchase some new street light decorations that were illuminated. Mr. Dickerson selected the decorations that were out on Broadway, coordinated getting them ordered, cut through some red tape with some of the agencies, worked with PG & E to get the approval to light them, and assisted in the fundraising campaign to pay for the 28 decorations. A number of community businesses stepped forward and helped pay for the new fixtures.

Director Posada thanked KCOY TV, the Santa Maria Times, Fox Channel 11, and the number of volunteer judges for helping with the contest this year.

VOLUNTEER OF THE MONTH
Councilmember Patino presented a gift to Jeremy Gomez, the December Recreation and Parks Volunteer of the Month, for his exemplary leadership and commitment to the participants in the Santa Maria Recreation and Parks Department's Youth Tee-Ball League as Volunteer Head Coach.

PUBLIC COMMENT
Joan Leon, Santa Maria Community Coalition, announced that the Coalition was celebrating the end of its first year. She submitted a request for a future agenda item to establish campaign spending limits for City elections and talked about the City of San Luis Obispo's campaign spending limit ordinance.

Deborah Brasket, SBCAN, spoke on Items 3H and I on the Consent Agenda related to applications for grant funds for nature trails at the Los Flores Ranch Property and the River Park Trail. She thanked Director of Recreation and Parks Posada for seeking grant funds for these projects.

Bob Hatch, Santa Maria Valley Chamber of Commerce, thanked the Council, staff, and the Recreation and Parks Department for supporting the Freedom Monument at the Abel Maldonado Community Youth Center. On December 7th, Shawn Dresler, who recently died in Iraq, was honored and a military order of the Purple Heart emblem was installed at the Freedom Monument to signify all the lives that have been lost and all the men and women who have been wounded.

Tom Urbanske spoke on the single room occupancy ordinance and the need for increased density. He talked about some of the housing and homeless problems in the City and some of the things the City was doing to address it.

CONSENT CALENDAR
Public Works Director Whitehead requested Item 3D-a, a bond release for Rose Garden Village, be removed from the Consent Agenda. Councilmember Zacarías requested Item 3C be pulled for comment.

Item 3C – Televising Board/Commission Meetings
Councilmember Zacarías stated when she was first seated on the Council, this was one of the first items of business. She said it appeared from the agenda report that the financial resources had not changed.

City Manager Ness explained that there were still some uncertainties regarding Federal and State legislation that made staff cautious about televising any other board meetings.

Councilmember Zacarías stated a lot of things happen at the Planning Commission meetings which impact the community. She commended the Planning Commission for the time they expend in their decision making.

Consent Calendar Items A through I with 3D-a removed were approved on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of December 4, 2007, were approved as submitted.

C. TELEVISING MEETINGS
Resolution No. 2007-171 was adopted continuing the practice of only televising meetings of the City Council and Santa Maria Community Television Board, until such

time as the full financial impact of State and Federal legislation including Federal Communications Commission (FCC) decisions related to cable television revenues are known.

Resolution No. 2007-171 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONTINUING THE PRACTICE OF TELEVISING ONLY CITY COUNCIL AND SANTA MARIA COMMUNITY TELEVISION BOARD MEETINGS.

D. RELEASE OF BONDS

Council accepted as complete the public improvements associated with Rose Garden Village, Tract 5725, and released a Faithful Performance bond in the amount of $448,280 for the installation of public landscaping and irrigation improvements, with an order that the Contractor, Labor and Material bond be retained until June 2008 and the Landscape and Irrigation Maintenance bond be retained until December 2008.

The release of a Faithful Performance bond in the reduced amount of $50,000.00 for the construction and installation of public improvements for the same project was removed from the Consent Agenda and no action was taken.

E. WARRANTS

Warrant Nos. 138681 to 138948 in the amount of $1,258,024.24 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 129222, 130613, 130702, 131852, 134391, 131860, 131891, 133480, 133541, and 138696 were cancelled.

F. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

G. ORDINANCE NO. 2007-25

Council conducted the second reading of Ordinance No. 2007-25 adding Chapter 50 to Title 12 of the Santa Maria Municipal Code related to Reasonable Accommodation for individuals with a disability and adopted the ordinance.

Ordinance No. 2007-25 adopted. AN ORDINANCE OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 12-50 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO REASONABLE ACCOMMODATION.

H. APPLICATION FOR GRANT FUNDS

Resolution No. 2007-172 was adopted approving submittal of an application to acquire grant funds through the Land and Water Conservation Fund Grant program for the Los Flores Ranch Property Nature Project.

Resolution No. 2007-172 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUND LOS FLORES RANCH PROPERTY NATURE PROJECT.

I. APPLICATION FOR GRANT FUNDS

Resolution No. 2007-173 was adopted approving submittal of an application to acquire grant funds through the Recreational Trails Program for the accessible trailhead development for the River Park Trail.

Resolution No. 2007-173 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM.

SANTA MARIA PUBLIC AIRPORT DISTRICT

Director of Community Development Lindsey introduced Advance Planner Brian Smith and Planner III Bill Scott. Mr. Scott gave the staff report. The request was to certify the Final Environmental Impact Report, making CEQA findings, adopting a statement of overriding considerations, and approving a mitigation monitoring program for the Santa Maria Airport Business Park Specific Plan project; amending the General Plan (Land Use) for 740 acres; repeal the Santa Maria Research Park Specific Plan and adopt the Santa Maria Airport Business Park Specific Plan; rezone the 740 acres; and approve a Memorandum of Understanding with the Santa Maria Public Airport District offering three-year leases to tenants of the (Airport) Village Mobile Home Park.

On December 5, 1995, the City Council adopted the Santa Maria Research Park Specific Plan. The Santa Maria Research Park Specific Plan encompassed approximately 1,095 acres of the total 2,598 acres within the existing boundaries of the Santa Maria Public Airport. The Specific Plan combined light industrial, research, manufacturing and commercial type land uses around a 27-hole championship-level golf course. Buildout of the Santa Maria Research Park Specific Plan would have comprised 3,737,200 square feet of building floor area. On October 20, 1998, the City Council approved minor modifications to the Santa Maria Research Park Specific Plan involving minor refinements to the shape of several planning areas, permitting a practice range and parking onto a landfill area, revising right-of-way sections, removing the "Light Rail Corridor" from the Specific Plan, and refining development standards. Then on December 16, 1998, the Planning Commission approved the tentative map for the Santa Maria Research Park, Tract 5740, a 32-lot industrial subdivision; however, Tract 5740 has not recorded.

In 2000, a California tiger salamander (CTS) habitat was found on the project area and in early 2001, the Airport District initiated the preparation of focused biological surveys. These surveys confirmed the presence of the CTS and also the California red-legged frog (CRLF). During that same period and under the jurisdiction and authority of the *Federal Endangered Species Protection Act*, the United States Fish and Wildlife Service listed the CRLF as a threatened species. As a result, some areas within the Research Park Specific Plan were designated as Critical Habitat areas for the CRLF.

On November 17, 2005, the Airport District submitted an application for a General Plan amendment, zone change, and specific plan amendment for the Santa Maria Airport Business Park Specific Plan. A primary intent of the revised Specific Plan is to provide a more environmentally sensitive design for development of a business park and golf course. The proposed Santa Maria Airport Business Park Specific Plan is reduced in size in terms of acreage and square footage of building area compared to the existing Santa Maria Research Park Specific Plan, and is designed to include a conservation area for the CTS and CRLF, as well as other protected wildlife species that exist in the area.

On July 5, 2007, the Planning Commission first considered the Santa Maria Airport Business Park Specific Plan Project. During this meeting, it was clear that the main issue with the Specific Plan was the potential impact to the mobile home park occupants of the Village Mobile Home Park. At the close of the public hearing, the Commission requested further information in three areas: a) the proposed phasing; b) the U.S. Department of Transportation, Federal Aviation Administration's position on residential use on airport-owned property; and c) the mobile home park.

On November 21, 2007, after several additional public hearings, the Planning Commission recommended (by a 3-2 vote) that the City Council approve the property owner's request for a General Plan amendment, zone change and adoption of the Santa Maria Airport Business Park Specific Plan.

Buildout of the Specific Plan is anticipated to occur in three (3) phases and is envisioned to extend beyond the year 2025, with Phase I being done between 2006 and 2015; Phase II being done between 2016 and 2025; and Phase III happening between 2026 and beyond. The actual phasing of development within the Specific Plan area will be in response to economic forces and financing capabilities of the Airport District and others who might participate in future development within the Specific Plan area. Phase I is generally associated with development of the golf course and includes 18 industrial

lots on 38.33 acres of Light Industrial zoned land along Enterprise Parkway. Phase I improvements would create the backbone of many of the systems and components of the business park, with minor expansions to each component during subsequent phases. Major portions of the drainage improvements, road improvements and sewer and water improvements will be installed as part of Phase I. In addition, Phase I would include the relocation and installation of electrical, communications and natural gas facilities. These major infrastructure improvements would serve as the framework for Phases II and III.

The U.S. Department of Transportation, Federal Aviation Administration, prepared a letter dated July 12, 2007, which basically states that the presence of residential dwellings next to or at an airport is an incompatible use. Therefore, the mobile home park would have to be relocated. He talked about the Conversion Impact Report required before the park could be relocated.

Councilmember Zacarías stated the agenda report mentioned that the mobile home park was a legal non-conforming use under the old Specific Plan and the new Specific Plan. She asked if there were accommodations that would allow the mobile home park to stay there.

Director of Community Development Lindsey stated that under current zoning the mobile home park property was zoned M-1 and was considered an existing non-conforming use. No change in the zoning was proposed under the new Specific Plan. It would remain a non-conforming use. The mobile home park could not expand, but it could continue indefinitely.

Mayor Lavagnino announced that he had not had any ex-parte communications with either the attorney for the mobile home park or the attorney for the Airport District; however, he had received copies of emails related to this issue.

Councilmember Orach stated he had met with the attorney for the mobile home park. Councilmember Zacarías also indicated she had met with some community members and also met with the attorney for the mobile home park, as well as Airport District Board Member Carl Engel.

Councilmember Patino announced that both she and Councilmember Trujillo have been on a committee that Supervisor Centeno established to work with the City, the County, and the Airport District to relocate the people who live in the mobile home park. She had been meeting with them on a monthly basis. She has met with Mr. Juarez, the attorney for the mobile home park, and had been in meetings with the Airport District Board Members.

Councilmember Trujillo indicated that he also had been meeting with Supervisor Centeno, Councilmember Patino, the attorney for the mobile home park, and had attended a meeting with Airport District Board Members and their attorney.

Laurie Tamura, Urban Planning Concepts representing the Airport District Board, gave an overview of the project site and highlighted the chronology of events that have occurred over the years since 1990. The project has been reduced from 1,095 acres to 740 acres with 336 acres in the "flight triangle area" removed and the golf course reduced from 27 holes to 18 holes. The Airport would be targeting light manufacturing uses, commercial-professional office uses, community facilities, airport commercial, and airport services. The main goals of the Specific Plan were to attract higher paying jobs to the area, provide recreational amenities along with conservation of biological resources, provide a long-term source of revenue for Airport operations, and comply with the policies of the General Plan. She stated they agreed with the conditions of approval and the mitigation measures and asked for Council's support of the project.

Director of Community Development Lindsey stated that after the Planning Commission first considered this item on July 5, 2007, the Community Development Department hosted a meeting to discuss information and issues as they pertain to the mobile home park on Airport District property on July 18, 2007. Participants included mobile home

owners, legal counsel for the owners, the airport manager and legal counsel for the Airport District, along with City and County staff having a background in planning or housing. The mobile home owners wanted some clarity as to how long they may live at their present site and a plan for an eventual move. A "wish" list of items were communicated by the mobile home owners which included (a) a preference to move as one group; (b) an effort to not leave any occupants behind; and (c) a request for a conversion report as soon as possible. Also communicated was a need for predictability and certainty as to how long the mobile home owners may remain on the site.

Since the Planning Commission acted to recommend the City Council approve the project, the Airport has agreed to a Memorandum of Understanding that would give the mobile home park residents a three-year lease while a Conversion Impact Report is prepared. The three-year lease would give the mobile home occupants the certainty they were seeking. If no action is taken by the Council at this meeting, the status quo would prevail; and the occupants would be left with the month-to-month leases.

Mayor Lavagnino stated if the Council did not approve the Specific Plan and the Memorandum of Understanding, the Airport District could then go forward with the Conversion Impact Report; and the residents would have no protection except the month-to-month leases.

Director of Community Development Lindsey stated before the mobile home park occupants would have to move, the City's ordinance requires a Conversion Impact Report and public hearings before the Planning Commission and City Council.

Councilmember Zacarías quoted from the City's ordinance related to a change of use of a mobile home park. She said the ordinance appears to require the Conversion Impact Report be submitted when an application is submitted. She asked why that requirement was not applied in this particular situation.

City Attorney Trujillo stated the ordinance was adopted in 1993 and the intent was to protect mobile home residents from park closures. The requirement is to provide a timely document that discusses the financial and relocation issues for the tenants. If that document was not timely, it would be useless. Based on the chronology presented, the first application from the Airport District was submitted in 1995. At that time, the document would have been required but would now be useless and would have to be completely redone. In order to give effect to the ordinance to achieve the intent, staff included it as a mitigation measure and a condition of project approval. It guarantees that the report will be done and will be done timely and closer to the actual date of the project. Staff feels it will give the most protection to the residents. If the project failed to go forward, the Airport District's counsel has taken the position that the City's ordinance would not apply because there would be no development application pending. It is staff's understanding that the park closure would go forward anyway because the FAA has required that residential uses cease on airport property, and the park has outlived its useful life in regard to the infrastructure. The most protection the City can provide for the tenants is through the mitigation measures.

Councilmember Zacarías asked at what point in time the project would be stopped if the Airport District did not comply with the contingencies the City placed on the project.

Director of Community Development Lindsey stated what was proposed was a three-year lease in the MOU, and that would be effective upon Council's action and implementation by the Airport District. As far as development of this project, it will have to comply with the Specific Plan, the General Plan and zoning.

Mayor Lavagnino asked if the Conversion Impact Report had to be prepared and approved before the Specific Plan could be approved.

City Attorney Trujillo replied that was the position of the counsel for the mobile home park residents. However, staff's position was that if the literal reading of the ordinance

was followed, a Conversion Impact Report would have had to be prepared back in 1995 which would make no sense nor provide any protection to the tenants.

Councilmember Trujillo stated his understanding was that after the Conversion Impact Report was prepared, the three-year lease would begin which would give the residents about three and a half years before they would have to move.

Councilmember Patino stated in Section 12 of the ordinance, it says that no building permit or development permit could be issued until the Conversion Impact Report was prepared.

Director of Community Development Lindsey stated the Conversion Impact Report may take less than three years or maybe more. He delineated reasons why the City Council should approve the Specific Plan. Santa Maria has a severe jobs/housing imbalance. Santa Maria could be said to have an oversupply of housing and an undersupply of jobs. In 2002, a study of housing entitled the Mayor's Housing Task Force Report was prepared which revealed that 2/3's of Santa Maria's workforce was employed in three employment categories: agriculture, services, and retail trade. Unfortunately, those were the three lowest paid employment sectors. The proposed industrial park would be geared toward higher paying positions in other industrial sectors. He talked about the steps the City has taken to address the job/housing imbalance since 2002. The City's Economic Development Element of the General Plan suggests the Airport Business Park is one of the most important tools to create higher paying jobs.

Mayor Lavagnino opened the public hearing.

Carl Engel, Airport District Board of Directors, gave an overview of the history of the Airport and the development of the Airport Industrial Park. The Airport would move ahead and would treat the mobile home park residents fairly. The Airport would be going ahead with the Conversion Impact Report. He asked the Council to support the project.

Gary Rice, Airport District Manager, stated his heart and sympathy went out to the mobile home park residents. The FAA has said housing should not be on airport property. The Airport District got back into the mobile home park business in 2003. At that time, they found the park was not in very good condition. They proceeded to make repairs and effect some changes right away. There was now a very effective management company in place. Electrical repairs were just completed, and the fire suppression system would be improved. He assured the City Council that they were making improvements to improve safety. They would involve the residents in the Conversion Impact Report because they wanted buy-in from them.

Mario Juarez, the attorney for the mobile home owners, talked about the condition of the mobile home park and the difficulty in getting their issues addressed. The Airport District finally responded when he sent a letter threatening a lawsuit if the health and safety issues were not taken care of. The proposed lease was one-sided and forced the mobile home owners to give up all their rights to require the Airport District to make repairs. If the Specific Plan were approved, there would be no negotiating with the Airport District. It was a take-it-or-leave it lease agreement. There were significant health and safety issues at the park that had not been taken care of. The Memorandum of Understanding was asking the City Council to come up with $75,000 to help the Airport District take care of the issues at the mobile home park. There was no accountability to the City Council as to what the money would be used for or a time table on when the repairs would be completed. With regard to the Conversion Impact Report, the City's ordinance required the Report to be prepared. At meetings with Airport District staff, it had been said the Conversion Impact Report could be prepared in six months. In 2004, the Airport District actually spent $18,000 to get ready to do a Conversion Impact Report. If any developer came to the City and said they were going to get rid of 96 low-income housing units, the City would have serious concerns. The Airport District's position has been inconsistent. In 2005, the Airport District said they would relocate these people to 16 acres on Airport property for high-density, low-income housing. Now the District has said the FAA would not allow them to do that. Once the

Specific Plan was approved, the Airport District cooperation would be gone. The Conversion Impact Report could be done in a timely fashion and would not slow down the project. The tenants were asking that the Conversion Impact Report be prepared and approved before the Specific Plan was approved.

Mayor Lavagnino asked if there was a waiver of rights in the three-year lease.

City Manager Ness explained that he had been personally and thoroughly involved in this process for quite a while. The draft lease agreement did not mandate that the mobile home owners waive their legal rights. He felt it did provide protection to the residents. Most of the wording in the lease was identical to the existing leases. The City believed that it was very important that the tenants be offered a three-year lease so they had some predictability. The City offered to share in the cost of interim infrastructure improvements if the Airport District agreed to offer three-year leases to the tenants. It was a partnership between the City and the Airport District in an effort to move things forward for the benefit of the tenants. It was presumptuous of Mr. Juarez to indicate that no plan and time table exist for the improvements. There had been many discussions with the Airport District on the timeline. If the General Plan Amendment, Specific Plan, and EIR were not approved, there would be no three-year leases. The Airport District would still go forward with the Conversion Impact Report which must be approved by the Planning Commission and City Council. The Airport District planned to do everything it could to insure that the Conversion Impact Report was completed expeditiously and properly. Staff believed that the leases would be beneficial to the tenants. Last week, Mr. Juarez was provided with a copy of the MOU and the lease. Mr. Juarez has proposed significant language changes to the lease. It was a matter of compromise and being reasonable in working things out.

Mr. Juarez read a section of the lease agreement regarding indemnification which he indicated required the tenants to waive their rights.

City Manager Ness explained that the language in the proposed lease was identical to the existing leases, and no changes had been made to that section.

Councilmember Zacarías stated she was hearing that the leases could be worked out. She wanted to make sure that these residents knew what was going to happen. She suggested a 30-day delay. The residents have made it clear that there were 41 items at the Park that relate to safety. It wasn't a question about whether to do this or not, it was a question of how it could be resolved.

Councilmember Trujillo stated Mr. Juarez indicated the tenants would be waiving their rights and asked City Attorney Trujillo for his opinion.

City Attorney Trujillo stated it was against public policy and probably illegal to force a tenant to waive Health and Safety Code violations. He said he had confidence that Mr. Juarez, the City and the Airport District could develop a lease agreement that would be reasonable to both sides.

Andy Caldwell, COLAB, stated this was a regional issue because there were two governing bodies working together to move a project forward. He asked the Council to approve the Specific Plan and indicated that the City's ordinance and State law gave the residents the protections they needed. The project was beneficial to the park residents over and above what they had right now. What the lower-income people in the City needed more than anything else was good paying jobs.

Deborah Brasket, SBCAN, stated that the Specific Plan was a very good plan because it supported higher paying jobs. SBCAN was concerned that the Conversion Impact Report be completed before the Council approved the Specific Plan because it would give the residents the assurances they needed.

Bob Hatch, Santa Maria Valley Chamber of Commerce, thanked the Airport District for its endurance in this matter. When companies looking to relocate to the City learned that the City has a plan for an Airport Business Park, they were very excited. He

suggested that the Council not commingle the issues. There were laws that protected the tenants of the mobile home park and asked that the Council move forward and approve the project.

Robin Hayhurst, Santa Maria Valley Contractor's Association, commended the City for making the tough decisions and looking at the big picture. Jobs were a huge issue in the area. The Airport District has been working on this for so long. The scope was magnificent on so many levels. She encouraged the Council to approve the project.

Don Lahr stated he remembered when this project was first discussed 30 years ago. The project would benefit the entire community. It has been planned for a long time. It was a well planned out project. He said he resented the attorney's comments about the Airport Board. They were civic volunteers who cared about the community.

Joseph Dana, educator in the Orcutt Union School District, stated he has known and worked with the tenants of the Village Mobile home Park for over 15 years. He was concerned about them and their welfare and requested more time to work the issues out. Attention needs to be paid to the long-term solution for relocation of the residents so they could stay together as a unit, stay in the Orcutt Union School District and the Orcutt area.

Raymond Deutsch stated when he first came to town 33 years ago he was very much involved in economic development. At that time there were about 17,000 industrial jobs in Santa Barbara County. Now there are fewer industrial jobs in Santa Barbara County than in the 1970s. The City needed to make sure that industries that wanted to come to this area or expand were supported. This was a very important project for the City of Santa Maria. It was important to the people who live in this community and for people who want to improve their living.

Ron Faas stated he wanted to compliment the City on its mobile home conversion ordinance. He was concerned that the Conversion Impact Report be done in a timely fashion. He asked what additional points of negotiating leverage the City would have to insure that proper mitigation measures would be developed by the Airport District and enforced by the City.

Keith Mathias, Rottman Group, stated they bought land from the Airport and built the Fairsky Commerce Center. They have worked with the City and the Economic Development Commission. They helped create jobs in the City. They were now working on another project on 10 acres purchased from the Airport District known as the Fairway Industrial Park. Eight years ago they were told that this property was a potential site for relocation of the mobile home park. The City and the Airport District can come up with a solution for relocating the tenants of the mobile home park.

Dr. Ray Hobson, Dean of Academic Affairs at Allan Hancock College, read a letter from Dr. Jose Ortiz, Superintendent/President, supporting the project.

Jason Diani, Diani Companies, stated it was very important to him to see jobs created. This project would provide a lot of new jobs in the area. He urged the City to support the project because the area needed those higher-paying jobs for his generation and future generations.

Bob Engel stated he had been supporting this project since the mid 1980s. It has become clear to him that approving the Business Park would provide more for the tenants. The main thing was to move forward to create more jobs. It was a win-win situation for everyone.

Herb Gerfen stated he also wanted to stress the importance of creating more jobs. The first industrial park at the Airport has been the backbone of the community. He talked about some of the companies that came to the City and moved to the industrial park. The City needed to move forward with this project to build the economic development of the community.

Susan Tuttle talked about the multi-use pads that were going to be part of the project and asked about the possibility of including equestrian trails. The City of Santa Maria currently had no place to ride horses, even though the City hosted the Elks Rodeo each year.

Kathleen Phelps stated she supported the overall plan of the Airport development. She represented local joggers, walkers, and equestrian riders that use the existing dirt trails on the south end of the Airport's public lands. There was a real shortage of dirt trails in the Orcutt area. She recommended that dirt paths and trails be part of the project. She also asked that Union Valley Parkway go through to Highway One and not stop at Blosser Road.

Director of Community Development Lindsey showed where trails were proposed within the project.

Ed Hennon stated this matter was not time critical or time sensitive. He talked about the Santa Maria Public Airport District and its 18-year history with this project. He urged the Council to require the Conversion Impact Report before approving the project.

Gordon Gill stated he wanted to request that the Council take positive action and approve the project. He has had the opportunity to work with the development community and bring thousands of square feet of industrial buildings to the community. No other project has been more scrutinized or analyzed than this project. The City of Santa Maria has a history of taking care of its people as was done in the downtown area.

Juan Ceja stated the mobile home park tenants were asking the Airport District to be fair with them and give them the opportunity to buy their own house. They need a little portion of Airport property to relocate to, but the Airport District has said no.

Laurie Tamura stated this project had a long history. In 1999, the Conversion Impact Report was started, the golf course plans were being done, and the grading and engineering were ready to begin. There was a commitment by the Airport District Board to move forward with all the conditions of the Specific Plan when the Tiger Salamander was found on the property. In order to bring these two entities together along with the help of the City, they were asking the Council to approve the Specific Plan. Between now and the second reading, they could have an agreement brought forward.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Orach stated this had been going on for a long time. Economic Development has been a major focus of this Council. The Manufacturers' Association always talks about the availability of jobs and workers for the jobs that might come to this community. The City has spent a lot of money for the development of the downtown civic center. The City was trying to make this a vibrant downtown area for people who might want to move here. There has been a lot of discussion about the Airport property, and it is a prime piece of property that needs to develop. The Airport has provided affordable housing for 50 years. It is a non-conforming use on Airport property. There are 90 families that live in the mobile home park. The Conversion Impact Report will involve all the residents and give them the opportunity to provide input, but it would not happen overnight.

Councilmember Patino stated over a year ago, Supervisor Centeno put together an affordable housing task force. The task force knew that the residents of the Airport mobile home park would have to move. They met with several people from the park. It was not just about numbers, it was about people with families. The task force looked at different possibilities that would be available to these people. The tenants have a community there that they are very proud of. They take care of each other and care about each other. They are hard working people. They are not against the Business Park going forward because it will provide them with higher-paying jobs. The City is working with the Airport to get some of the health and safety issues taken care of. There would be a Conversion Impact Report that the Airport Board and the City Council

had to approve. The tenants will have a three-year lease. They only want assurances, and they want their concerns addressed. This project would be a win-win for everyone, and it could work.

Councilmember Trujillo commended staff for the work that had been done on the project. This project has had more work by City staff than any other project. He said he believed the Airport District would do the right thing. The action of the City Council would impact the community for a long time. He expected the Airport, the City, and the mobile home owners to do the honorable thing by getting together and working things out. The City Council was not going to forget the homeowners. It was a good project, and the right thing for the City to do.

Councilmember Zacarías stated she encouraged the inclusion of the community in the development of the recreational uses of this project. She had unqualified support for this project. However, if any of the Council had family living in this mobile home park, they would want the extra assurance. The City had several opportunities to require a Conversion Impact Report and failed to do so. Safety was an issue on this property. There were 41 safety items that needed to be addressed. The Utility Study showed that it would cost $400,000 in repairs. She suggested that this be delayed for a month to give additional time to resolve all the issues. She said she could not support any motion that would not give the mobile home park owners the assurances they were asking for.

Councilmember Patino asked if a Conversion Impact Report would be required of the Airport by State law if the Council did not approve the project.

City Attorney Trujillo explained that the position of the Airport's legal counsel was that if the Council did not approve the project, the Airport District would not be required to comply with the City's ordinance but would still be required under State law to prepare a Conversion Impact Report. However, the City's ordinance was more comprehensive than State law.

Mayor Lavagnino stated he believed that the Conversion Impact Report did not have to be approved before the Specific Plan was approved. By approving the Specific Plan, the City would put leverage on the Airport District to get the Conversion Impact Report completed. The tenants would have the choice to stay on a month-to-month lease, a one-year lease or a three-year lease. Santa Maria would not abandon its responsibilities because the project was too important to let it languish.

Resolution No. 2007-174 was adopted certifying the Final Environmental Impact Report (FEIR) for E-2005-039, making CEQA findings, adopting a statement of overriding considerations, and approving a mitigation monitoring program for the Santa Maria Airport Business Park Specific Plan Project on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: Councilmember Zacarías
ABSENT: None
ABSTAIN: None

Resolution No. 2007-174 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CERTIFYING THE SANTA MARIA AIRPORT BUSINESS PARK SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT (E-2005-039, SCH#2005051172), MAKING CEQA FINDINGS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM FOR THE SANTA MARIA AIRPORT BUSINESS PARK SPECIFIC PLAN FILE NOS. GPZ-2005-007, SPZ-2007-001.

Resolution No. 2007-175 was adopted amending the General Plan (Land Use) of 740 acres on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Trujillo, and Mayor Lavagnino
NOES: Councilmembers Zacarías and Patino
ABSENT: None
ABSTAIN: None

Resolution No. 2007-175 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A GENERAL PLAN (LAND USE) AMENDMENT FOR SANTA MARIA AIRPORT BUSINESS PARK SPECIFIC PLAN PROJECT ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SKYWAY DRIVE AND ORCUTT EXPRESSWAY (STATE ROUTE 135), ASSESSOR'S PARCEL NUMBERS 111-230-90 (PORTION), 111-230-91, 111-230-92, 111-230-93 (PORTION), AND 111-230-94, GPZ-2005-007.

Ordinance No. 2007-27 repealing the Santa Maria Research Park Specific Plan, as most recently amended October 20, 1998, GPZ-98-06, and adopting the Santa Maria Airport Business Park Specific Plan, SPZ-2007-001, as the primary document to guide future development of the 740-acre Specific Plan site was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Councilmember Zacarías asked that the second reading of the Ordinance be a regular agenda item for the meeting on January 15, 2008, rather than a Consent Agenda item to get a status report on the issues.

Councilmember Patino asked to see the Memorandum of Understanding, the leases, and a timeline on the financial contribution by the City for the next meeting.

Ordinance No. 2007-27 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REPEALING THE SANTA MARIA RESEARCH PARK SPECIFIC PLAN AND ADOPTING THE SANTA MARIA AIRPORT BUSINESS PARK SPECIFIC PLAN, LOCATED ON THE SOUTHWEST CORNER OF SKYWAY DRIVE AND ORCUTT EXPRESSWAY (STATE ROUTE 135), SPZ-2007-001.

Ordinance No. 2007-28 rezoning the 740 acres as specified above was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2007-28 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING PROPERTY FOR THE SANTA MARIA PUBLIC AIRPORT DISTRICT, SANTA MARIA AIRPORT BUSINESS PARK SPECIFIC PLAN PROJECT, GPZ-2005-007, FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SKYWAY DRIVE AND ORCUTT EXPRESSWAY (STATE ROUTE 135), ASSESSOR'S PARCEL NUMBERS 111-230-90 (PORTION), 111-230-91, 111-230-92, 111-230-93 (PORTION), AND 111-230-94, 740 ACRES.

Resolution No. 2007-176 was adopted approving and authorizing the Mayor to enter into and execute a Memorandum of Understanding with the Santa Maria Public Airport District offering three-year leases to tenants of the (Airport) Village Mobile Home Park on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

Councilmember Patino reiterated that she wanted to see the leases and a timeline on how the money from the City would be spent.

City Attorney Trujillo stated that rather than amending the Memorandum of Understanding, staff was proposing a side letter agreement with the Airport District to work out those details.

City Manager Ness stated staff would produce sample leases for the next meeting and a time table for repairs. He has been in full discussions with Mr. Rice about the issues, and had been assured that all of the repairs would be completed within the first quarter of the next year. The electrical was already done. The gas was being studied and would be completed within the first quarter. The water distribution and fire suppression system would be done no later than the first quarter. The potholes, slurry seal and other road repairs would be done in January or February, weather permitting. He said he would obtain that in writing as a side letter to the MOU.

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-176 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING WITH SANTA MARIA AIRPORT DISTRICT.

SEVILLA, TRACT 5924
Director of Community Development Lindsey gave the staff report. The property is approximately 10.38 acres located south of Miller Street, east of Santa Maria Way and north of Sunrise Drive. The request is for approval of a tentative tract map that would create 69 small residential lots ranging in size from 2,612 to 6,011 square feet; one general commercial lot of 3.22 acres; and one common lot of 2.21 acres. The common lot would include the interior residential streets (including guest parking lots) and the common landscaping proposed within the planned unit development. Tentative maps are normally approved by the Planning Commission; however, since the proposed project has lot sizes less than the 7,000 square foot minimum lot size permitted in the R-3 zoning district, the City Council must approve the tentative map. A Planned Development Permit is being processed concurrently with the tentative map with Planning Commission action scheduled for December 19, 2007. A mitigated negative declaration for the project was completed as part of the General Plan Amendment and Zone Change approved by the City Council on June 6, 2006. The Planning Commission held a public hearing on the proposed tentative map on November 21, 2007, and adopted Resolution No. 2492 on a 5-0 vote, recommending that the City Council grant approval.

Mayor Lavagnino opened the public hearing.

Jeanette Gibson, Urban Planning Concepts, gave an overview of the proposed project.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.
Councilmember Zacarías stated the City told the developer that they may have to install a bus turnout; however, she understood that it already was a requirement.

Jeanette Gibson replied that they did understand that. She clarified that it would be 69 units, not 70 units as referenced in the Public Works Department and Recreation and Parks Department memorandums. The bus turnout will be located on parcel 72, the commercial parcel, not parcel 1 as mentioned in the transit memo.

Resolution No. 2007-177 was adopted approving the Sevilla Tentative Map with those corrections on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2007-177 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE TENTATIVE MAP FOR THE SEVILLA, TRACT 5924, LOCATED SOUTH OF MILLER STREET, EAST OF SANTA MARIA WAY AND NORTH OF SUNRISE DRIVE.

WAIVER OF FEES

Mayor Lavagnino announced that he would have to recuse himself due to a potential conflict of interest since his daughter was involved in this project. Mayor Pro Tem Trujillo continued with the item.

City Manager Ness gave the staff report. St. Jude Children's Research Hospital, Inc. requests that the City Council waive all permit fees associated with construction of a "St. Jude Dream Home." This single family home will be built in the new development "Celebration" at the northwest corner of Miller and Inger streets. The developer, Flatley Homes of Arroyo Grande, has donated the lot upon which the house will be built. The total permit fees are estimated to be $27,150.52. All proceeds from the raffle will be sent out of Santa Maria to the one and only St. Jude's hospital in Tennessee, where all patients accepted for treatment are treated without regard to the family's ability to pay. If the fees are not waived, the house will be built anyway. St. Jude would pay the fees from gross ticket sales. St. Jude's goal is to sell 10,000 tickets and raise $1 million. St. Jude's receives in excess of $280 million annually in public support and in excess of $50 million annually in government grants.

This was the first time the City had received such a permit fee waiver request. There was no provision in the Municipal Code for a waiver of permit fees. Resolution 2005-80, which establishes fees for City services, does not contain a waiver procedure. The City Attorney's Office has advised that the Council could choose to excuse fees only if it makes an appropriation from an appropriate source such as the General Fund. A permit fee waiver could open the City to similar requests by other non-profit organizations.

Other St. Jude Dream Homes have rarely received fee waivers from cities in California. Only one other city authorized reimbursing a payment of $11,323 in development fees to the developer of a St. Jude Dream Home.

Marianna Vargas, St. Jude Children's Research Hospital, highlighted what St. Jude does. It is a research facility whose goal was to research cures and share those cures with other hospitals so children and families can stay at home. This "dream home" would be a community event.

Laurie Pippan, Promotions Manager at KCOY-CBS 12, stated the station was asking the City to step up as KCOY and Sunny Country have stepped up to support St. Jude Children's Research Hospital. KCOY helps the community and tries to keep the money in the local area. What they realized was that St. Jude's is there for every parent in the City who might have a child with cancer or other devastating disease. The building lot has been donated by Flatley Homes. Local contractors were coming together to build the house, and it would be raffled off to raise $1 million for St. Jude. They were asking the City to become a partner with the developer, the contractors, and all the people who would be buying tickets.

Laurie Tamura, Urban Planning Concepts, talked about the Celebration Project in which the dream home would be located on Inger Street and Miller Street and how much money would be generated in fees for the City by the project.

Councilmember Patino stated Santa Maria was a very giving City; however, this appeared to be a gift of public funds. She said she did not think she could support it.

The Boys and Girls Club did the same thing a few years ago and never asked for a waiver of fees.

Councilmember Zacarías stated she also believed it would be a gift of public funds. She encouraged people to buy tickets. The funds that the City allocated to non-profit organizations go through a very stringent process. All the non-profit organizations would love a gift of $27,000 from the City.

Councilmember Orach said he would have a difficult time to look other organizations in the face and tell them they had to pay the fees after approving this request. He said he hoped the residents of the City would step forward and help St. Jude reach their goal of $1 million.

The request for a waiver of permit fees by St. Jude Children's Research Hospital was denied on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Zacarías, and Mayor Pro Tem Trujillo
NOES: None
ABSENT: Mayor Lavagnino
ABSTAIN: None

Councilmember Trujillo suggested they look into applying for Community Development Block Grant funds for the amount of the fees.

Mayor Lavagnino returned to the dais at this time.

ABC LICENSE – 2160 S. BRADLEY ROAD

Director of Community Development Lindsey gave the staff report. The request is for a Type 20, Off-Sale Beer and Wine, Alcoholic Beverage License for Liquor Plus at 2160 S. Bradley Road, in the Crossroads Shopping Center. Section 23958 of the Business and Professions Code states that a crime reporting district that exceeds the average number of reported crimes in the City by 20 percent is considered an area of undue concentration of crime. The average rate of reported crimes per reporting district in the City is 38. The average plus 20 percent is 45.6. The number of reported crimes in this Crime Reporting District for the period of May 1, 2006, through May 1, 2007, was 58, which exceeds the limit, and places the property in an area of undue concentration of crime. Additionally, this property is located in Census Tract 20.07 which is an area of undue concentration of off-sale alcoholic beverage licenses. The ABC Board reports that the number of off-sale licenses authorized in the Census Tract is six, and that there are seven existing licenses.

Of the seven existing off-sale licenses, Spencer's Food Market is currently inactive, and there is only one existing license within the vicinity of the proposed location. All the others are a mile or more away. Additionally, four of the six active licenses are located in the County jurisdiction – outside the City limits.

Although the number of calls for service in the crime reporting district exceeds the median average plus 20 percent, the calls are not necessarily alcohol and/or violent crime related. A number of them deal with shoplifters and minor traffic collisions within the shopping center. The Police Department has stated no objection to the issuance of this license. Therefore, staff is recommending that the City Council make a finding of public convenience in the matter of the issuance of a Type 20 (off-sale beer and wine) alcoholic beverage license for the sale of packaged alcoholic beverages at Liquor Plus.

Councilmember Patino read from the application regarding any violations of the Alcoholic Beverage Control Act. Their application indicated there had been violations but gave no explanation. She asked what the violation was for.

Mr. Daadouch, the applicant, explained that in 1996, one of his employees sold alcohol to minors.

Councilmember Patino stated she had a real problem with bongs, meth pipes, and other drug paraphernalia present in the store as well as the pornography. She said she could not support this application.

Mr. Daadouch stated all of that would be gone tomorrow if the license was approved because the Alcoholic Beverage Control Board would not allow him to have it.

Councilmember Zacarías asked why the store was called Liquor Plus if there was no alcohol for sale in the store.

Mr. Daadouch explained that when he opened the store seven or eight months ago, it was his intent to sell alcohol. Right now it was a tobacco store, but he wanted to make it a convenience store.

Councilmember Zacarías said Corporal Esparza indicated in his memo that the Police Department was not opposed to the alcoholic license, but he did not say the Police Department supported it.

Sergeant Vernon stated that the items Councilmember Patino discussed were not present when Corporal Esparza made his inspection. That was all brought in for the Christmas season. After discussing the matter with Mr. Daadouch tonight, he would be removing them from the store.

A finding of public convenience for Liquor Plus was denied on motion by Councilmember Patino, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Zacarías
NOES: Mayor Lavagnino
ABSENT: None
ABSTAIN: None

MAYOR PRO TEM

Mayor Lavagnino thanked Councilmember Trujillo for doing a great job as Mayor Pro Tem and representing him throughout the year when he was not available.

Mayor Lavagnino nominated Councilmember Orach to serve as Mayor Pro Tem for 2008. Councilmember Patino seconded the nomination. The nomination was ratified on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

CITY MANAGER'S REPORT

City Manager Ness reported on items for the January 15, 2008, City Council meeting including an amendment to the Development Agreement with Inland Pacific Builders, appointments to Boards and Committees, a Business Attraction and Retention Loan for the Hitching Post, the Annual Technical Amendments to the Municipal Code, as well as the second reading of the Airport Business Park Specific Plan and Zone Change as a regular business item. Additionally, there will be a joint meeting with the City Council and Block Grants Advisory Committee on January 10, 2008, in the Dorothea Nelson Room at 6:30 p.m.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Patino reported on her attendance at the Arellanes Junior High School Career Day on Thursday, December 7th.

Mayor Lavagnino reported he had attended the memorial ceremony for Shawn Dresler at the Freedom Monument on December 7th. The City would be naming a street after him at a future time.

Councilmember Zacarías reported that she attended sexual harassment training on December 5th. She encouraged people to help with the United Way effort to assist low-income people prepare their income taxes.

Councilmember Orach reported he also attended the December 7th memorial service.

CLOSED SESSION
Council recessed to Closed Session at 11:09 p.m. for:

PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS pursuant to Subsection (e) of Government Code Section 54957 and CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6.

Agency representative: Mayor

Title: City Manager and City Attorney

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Subdivision (a) of Section 54956.9 of the Government Code: Baldiviez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1232811

After the Closed Session, the following was announced:

Public Employee Performance Evaluations and Conference with Labor Negotiator: City Manager and City Attorney – Direction to staff was provided.

Conference with Legal Counsel – Existing Litigation: Baldiviez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1232811 – Direction to staff was provided.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 11:34 p.m. to the Joint City Council/Block Grants Advisory Committee Meeting on Thursday, January 10, 2008, in the Dorothea Nelson Room of the Library at 6:30 p.m. and to the next regular City Council Meeting on January 15, 2008.

APPROVED

January 15, 2008
Date

Patricia A. Perez
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Patricia A. Perez
Chief Deputy City Clerk

S. S. Lavagnino
Mayor of the City of Santa Maria